

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

MELVIN LOWE,

Plaintiff,

-VS-

Case No. 2:05-cv-0495-F

MONTGOMERY COUNTY BOARD
OF EDUCATION, *et al.*,

Defendants.

REPORT OF RULE 26(F) PARTIES' PLANNING MEETING

Pursuant to Fed.R.Civ.P. 26(f), a meeting was held between counsel for the parties on Friday, July 8, 2005, at 1:00 p.m., via telephone, and now submit the following Report of that meeting to the Court for its consideration.

1. The meeting was attended by:
 - a. William F. Patty for Plaintiff;
 - b. James R. Seale for Defendants.
2. Pre-discovery disclosures. The parties will exchange by September 10, 2005, the information required by Local Rule 26.1(a)(1).
3. Discovery Plan: The parties jointly propose to the Court the following discovery plan:
 - a. Discovery will be needed on the following subjects: all matters raised in the Complaint, any amendments to the Complaint and any Answer;
 - b. All discovery commenced in time to be completed by May 15, 2006;
 - c. Maximum of 30 interrogatories by each party to any other party. Responses due 30 days after service;
 - d. Maximum of 40 requests for production by each party to any other party. Responses due 30 days after service;
 - e. Maximum of 25 requests for admission by each party to any other party. Responses due 30 days after service;
 - f. Maximum of 10 depositions by Plaintiff and 10 depositions by Defendants, unless otherwise agreed to by the parties;
 - g. Each deposition, other than that of the parties, limited to a maximum of 7 hours, unless otherwise agreed to by the parties. Parties' depositions limited to a maximum of 7 hours, unless otherwise agreed to by the parties;

- h. Reports from retained experts under Rule 26(a)(2) due:
 - 1) from Plaintiff by March 1, 2006; and
 - 2) from Defendants by April 1, 2006; and
 - i. Supplementations under Rule 26(e) a reasonable time after discovery.
4. Other matters.
- a. The parties do not request a conference with the Court before entry of the Scheduling Order;
 - b. Plaintiffs should be allowed until December 30, 2005 to amend the pleadings as allowed by this Court;
 - c. Defendant should be allowed until January 30, 2006 to amend the pleadings as allowed by this Court;
 - d. All potentially dispositive motions should be filed by March 30, 2006;
 - e. Settlement cannot be realistically evaluated prior to January, 2006;
 - f. The parties request a final pretrial conference in June, 2006;
 - g. Final lists of witnesses and exhibits under Rule 26(a)(3) should be due:
 - 1) from Plaintiff: 30 days before trial; and
 - 2) from Defendants: 30 days before trial.
 - h. Parties should have until no less than 14 days prior to trial to list objections to witnesses and exhibits under Rule 26(a)(3); and
 - i. The case should be ready for trial by August 21, 2006, and is expected to take approximately 2-3 days, exclusive of jury selection and pretrial argument.

Plaintiff's counsel has not suggested ADR. At this point, Defendants are not inclined to attempt ADR. The positions of the parties may change over the coming weeks or months. The parties will inform the Court in a timely manner as to any change in either of their respective positions regarding ADR.

The undersigned attests that William F. Patty has agreed to the foregoing and has authorized me to execute this document and electronically file same on his behalf.

SUBMITTED THIS the 19th day of July, 2005.

MELVIN LOWE, Plaintiff,

MONTGOMERY COUNTY BOARD
OF EDUCATION, *et al.*, Defendants.

By: /S/ William F. Patty
William F. Patty (4197-P-52W)
BEERS, ANDERSON, PATTY
& VAN HEEST, P.C.
Post Office Box 1988
Montgomery, Alabama 36102
(334) 834-5311
(334) 834-5362 - fax
E-mail: bpatty@beersanderson.com
Counsel for Plaintiff

By: /S/ James R. Seale
James R. Seale (3617-E-68J)
Elizabeth Brannen Carter (3272-C-38E)
Jayne L. Harrell (6544-Y-85H)
HILL, HILL, CARTER,
FRANCO, COLE & BLACK, P.C.
Post Office Box 116
Montgomery, Alabama 36101-0116
(334) 834-7600
(334) 263-5969 - fax
E-mail: jrs@hillhillcarter.com
E-mail: ecarter@hillhillcarter.com
E-mail: jharrell@hillhillcarter.com
Counsel for Defendants
www/6630.0143/f:Report of Rule 26(f) Planning Meeting.wpd